



#12/BM
11/20/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Manfred DOMBEK

Appln. No. 09/775,638

Filed: February 5, 2001

For: METHOD AND APPARATUS
FOR INCREASING THE
PERMEABILITY OF WRAPPERS
OF ROD-SHAPED ARTICLES

Art Unit: 1731

Examiner: Carlos N. Lopez

Atty. Docket No. 31512-168230

Customer No.



26694

PATENT TRADEMARK OFFICE

Response to Restriction Requirement

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the non-final Office Action dated October 16, 2002, Applicant hereby elects Group I, represented by claims 1-10.

Furthermore, the restriction between Groups I and III is respectfully traversed. As correctly noted by the Examiner, one way in which inventions can be shown distinct is: (1) the process as claimed can be practiced by another materially different apparatus or by hand. The Examiner then states that a materially different apparatus, such as stacked wrappers being perforated by a needle, can practice the claimed process. However, it is respectfully submitted that both claims 1 and 16 read on an embodiment in which a stack of wrappers is perforated by a needle. As such, restriction between the two groups is improper. In the very least, claim 16 is

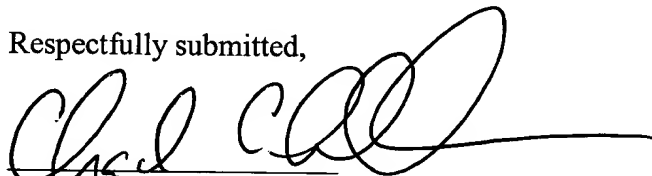
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Applicant Manfred DOMBEK
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an apparatus claim to "means" for practicing the process and should be considered a linking claim to be examined with the elected group. (See MPEP 806.05(e)) An examination of claims 1-10 and 16-22 is respectfully requested.

Date: 11/18/02

Respectfully submitted,



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